



February 27, 2024

VIA ECF

Hon. Gary R. Brown
U.S. District Court, EDNY
100 Federal Plaza
Central Islip, New York 11722

Re: *LaMarco v. Suffolk County*
22 Civ. 4629 (GRB) (JMW)

Your Honor,

I represent the plaintiffs, Thomas and Diane LaMarco, in the above-referenced matter.

In accordance with the Court's February 21, 2024 text order, I write to inform the Court of the parties' respective positions regarding the existence of factual issues to be resolved at trial, if any.

Plaintiffs

Plaintiffs' position is that there are no genuine issues of material fact to be determined at trial on the issue of liability; this matter should proceed to summary judgment for a determination of liability on Plaintiffs' causes of action for violations of the Second and Fourth Amendment under 42 U.S.C. 1983. Plaintiffs are not proceeding on their Fourteenth Amendment (due process) challenges.

Defendants

Defendants' position is that there are genuine issues of material fact warranting a trial, including the following:

1. Whether and to what extent each of the defendants is personally responsible for the alleged constitutional violations;
2. If plaintiffs' constitutional rights were violated, whether a custom or policy of defendant County of Suffolk was the moving force behind the violation;
3. Whether defendants' actions were objectively reasonable.

Thank you for the Court's consideration.

Sincerely,

Amy L. Bellantoni

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cc: Arlene Zwilling (via ECF)